

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANGELO SANDERS	:	Civil Action
	:	
V.	:	
	:	
PHILADELPHIA GAS WORKS	:	No. 98-6271

ORDER-MEMORANDUM

AND NOW, this 2nd day of July, 1999, the motion of defendant Philadelphia Gas Works (PGW) for summary judgment as to claims for punitive damages is granted. Fed. R. Civ. P. 56.

Defendant is owned by the City of Philadelphia and is a "local agency" entitled to the same privileges and immunities as the City. See Hendrickson v. Phila. Gas Works, 672 F. Supp. 823, 825 (E.D. Pa. 1987) (PGW is a municipal entity "synonymous with the City of Philadelphia" for purposes of civil rights statutes); Brennon v. Phila. Gas Works, 146 Pa. Cmwlth. 312, 316, 605 A.2d 475, 477 (1992) ("[T]he City, through the Department of Public Property and the Gas Commission, retains responsibility for operation of the facilities for the production and transmission of gas and authority for setting rates. . . . [T]he immunity from suit enjoyed by the City extends to PGW as an integral part of services offered by the City."), allocatur denied 533 Pa. 637, 621 A.2d 582 (1993).¹

Accordingly, punitive damages are not recoverable under Title VII, § 1981, or the Pennsylvania Human Relations Act (PHRA). See 42

¹Plaintiff's assertion that PGW is a commercial entity is unsupported and contrary to relevant case law.

U.S.C. § 1981a(b)(a) (precluding punitive damages against a "government, government agency or political subdivision" under Title VII); McLaughlin v. Rose Tree Media School Dist., 1 F. Supp. 2d 476, 483 (E.D. Pa. 1998) (so held); Poli v. SEPTA, 1998 WL 405052, at *14 (E.D. Pa. July 7, 1998) (same as to Title VII and § 1981 claims); Wood v. Rendell, 1995 WL 676418, at *6 (E.D. Pa. Nov. 3, 1995) (same as to municipality under § 1981) (citing Poolaw v. City of Anadarko, 738 F.2d 364, 366 (10th Cir. 1984), overruled on other grounds by Skinner v. Total Petroleum, Inc., 859 F.2d 1439 (10th Cir. 1988)); Hoy v. Angelone, 554 Pa. 134, 146, 720 A.2d 745, 751 (1998) (punitive damages unavailable under PHRA).²

Edmund V. Ludwig, J.

²Plaintiff concedes that punitive damages are not available on PHRA claims. Pl. resp., at 1.